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Accused Nazi's defense hampered by CIA order not to talk, attorney says

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A Sacramento man accused by the U.S. government of being a Nazi SS captain during World War II is unable to defend himself because the Central Intelligence Agency has ordered him not to talk, defense attorney Arthur Ruthenbeck charged Wednesday.

The CIA, citing a possible secrecy agreement, ordered 71-year-old Otto von Bolschwing not to speak to his attorney without authorization, Ruthenbeck said.

CIA attorney Barbara Pollack requested in a tape-recorded conversation that von Bolschwing's son, Gus, "submit certain background information to the CIA through me . . . and we will obtain clearances on (von Bolschwing's attorneys) so your father can speak with them freely," according to court documents.

Ruthenbeck quoted Pollack as saying von Bolschwing "would be obligated to comply" with a secrecy agreement, should one exist, "and refrain from discussing any classified information with me."

Von Bolschwing told Ruthenbeck earlier this month that "he would not talk to me regarding . . . his involvement with the CIA unless both he and I have a clearance from the CIA."

Ruthenbeck, who said he has been forced to resort to "guessing what

could be possible" because of von Bolschwing's reluctance to talk, said the CIA's interest suggests "they must have some real legitimate interest in this case."

"They don't send a staff attorney and another CIA operative to interview every little old man who says he worked with the CIA," said Ruthenbeck. "Why would they go to this effort if there were not some CIA involvement?"

Von Bolschwing is accused by the U.S. Department of Justice of concealing his wartime membership in the SS, the Nazi intelligence-gathering arm known as the Gestapo.

Further, the Justice Department alleged, von Bolschwing failed to disclose in a 1959 naturalization application his role as adviser to Adolf Eichmann during the Nazi persecution of Jews.

Von Bolschwing, who has emphysema and neurological disorders and lives in a Sacramento nursing home, contends he was an agent for American intelligence during World War II.

He said in an earlier interview that he "did major work in Germany" for the Allies.

Von Bolschwing's response to the allegation was to be filed Friday in federal court in Sacramento, but Ruthenbeck said he has been unable to get any information from his client "because he is unwilling to disclose some aspects of the case unless he is authorized by the CIA to

speak to me."

"My hands have been tied," said Ruthenbeck. "I'm not trying to delay the case; I'm just trying to get authorization for my client to talk to me."

"We're in a real Catch-22 situation," he said. "One arm of the government prosecutes the case and another says you can't talk to your client."

"Mr. von Bolschwing is caught in the middle of this bureaucratic struggle between the CIA and the Department of Justice. He's basically being denied meaningful access to counsel by the federal government," Ruthenbeck contended.

U.S. Attorney William Shubb countered that "the CIA has no objection to Mr. von Bolschwing speaking freely with his lawyer. We're in the process of attempting to get a letter from the CIA saying they have no objection."

"I don't have any reason to believe the CIA is trying to deprive him of his right to counsel," said Shubb.

Regardless of whether the CIA knew of von Bolschwing's background, Shubb said it should have been revealed on the citizenship application.

"Our allegations concern the manner in which he got his citizenship," said Shubb. "Certainly, the CIA does not confer citizenship."